

301 KAR 2:030. Commercial guide license.

RELATES TO: KRS 150.170, 150.412, 164.772

STATUTORY AUTHORITY: KRS 150.025, 150.175(11), 150.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue a commercial guide license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for a commercial guide license is qualified to act as a commercial guide. This administrative regulation establishes the requirements for a commercial guide license and a guide helper.

Section 1. Definitions. (1) "Commercial guide" means a person who advertises or offers services for remuneration to aid others in taking wildlife, excluding classroom instruction or seminars.

(2) "Fishing guide helper" means a person who assists a commercial guide and is in the same boat or is directly alongside of the commercial guide if standing on a stream or river bank and while guiding others in the taking of fish.

(3) "Hunting guide helper":

(a) Means a person who is acting on behalf of a commercial guide license holder, is registered with the department, and whose actions in the field assist in the taking of game animals; and

(b) Does not include a person assisting only in the recovery and removal of dead game, or tracking wounded game.

Section 2. Commercial Guide License Requirements and Application. (1) A person shall possess a valid Kentucky commercial guide license in order to commercially guide others in the taking of wildlife.

(2) A commercial guide license shall be valid from March 1 through the last day of February.

(3) An applicant for a commercial guide license shall:

(a) Be eighteen (18) years of age or older;

(b) Have not been convicted of any state or federal fish or wildlife violation during the previous three (3) years;

(c) Have not been convicted of a felony;

(d) Possess a valid fishing license and trout permit if applicable; and

(e) Possess a valid hunting license and all applicable game permits.

(4) An elk permit shall not be required to be purchased by a commercial guide or hunting guide helper in order to guide clients in the taking of elk.

(5) Except as established in subsection (6) of this section, in order to obtain a commercial guide license, a person shall submit to the department:

(a) A completed Commercial Guide License Application Form to the Director's Office, Division of Law Enforcement, #1 Sportsman's Lane, Frankfort, Kentucky 40601;

(b) A Law Information Network of Kentucky National Crime Information Center (LINK/NCIC) background check obtained through the Kentucky State Police;

(c) Proof of a valid and up to date certification in:

1. Cardiopulmonary resuscitation (CPR); and

2. First aid;

(d) Proof of completion of a boater education course upon applying for a commercial guide

license for fishing in a boat;

(e) Proof of completion of a hunter education course upon applying for a commercial guide license for hunting. A commercial guide applicant who guides hunters by boat shall also submit proof of completion of a boater education course; and

(f) A ten (10) dollar registration fee for each hunting guide helper to be used by the commercial guide.

(6) A commercial guide applicant who possesses a valid United States Coast Guard Captain's License, or "six pack", and will guide on a United States Coast Guard regulated waterway may submit a copy of this license in lieu of the boater education course requirements established in subsection (5)(d) of this section and in lieu of the CPR and first aid requirements, as established in subsection (5)(c) of this section, upon applying for a commercial guide license.

(7) While guiding, a commercial guide shall have in possession all required licenses and permits.

Section 3. Guide Helper. (1) A commercial guide may utilize fishing guide helpers and hunting guide helpers.

(2) A fishing guide helper shall have in possession while assisting a commercial guide a valid Kentucky fishing license and applicable permits.

(3) A hunting guide helper shall have in possession while assisting a commercial guide:

(a) A valid Kentucky hunting license and applicable game permits;

(b) Proof of completion of a hunter education course;

(c) Proof of completion of a boater education course if helping a commercial guide by boat; and

(d) A hunting guide helper certification card.

(4) Effective March 1, 2016, a hunting guide helper shall be required to provide proof of a valid and up-to-date certification in:

(a) Cardiopulmonary resuscitation (CPR); and

(b) First aid.

(5) A hunting guide helper shall be registered with the department by the licensed commercial guide he or she represents.

(6) A hunting guide helper shall:

(a) Be at least eighteen (18) years old;

(b) Not be convicted of a state or federal fish or wildlife violation during the previous three (3) years; and

(c) Not have been convicted of a felony.

(7) A commercial guide license holder shall be responsible for any violation of this administrative regulation by a helper who is registered by the commercial guide.

Section 4. Commercial Guide License Prohibitions and Revocation. (1) A commercial guide or guide helper shall not participate in the taking of fish or game beyond the bag limit or creel limit of the person or persons being guided, except that a commercial guide or guide helper may take a daily bag or creel limit of fish or game while guiding.

(2) The department shall revoke and not renew the commercial guide license or hunting guide helper certification, for a period of one (1) year, of a person convicted of any state or federal fish or game violation.

(3) The department shall permanently revoke the commercial guide license or hunting guide helper certification of a person convicted of a felony.

(4) An individual whose commercial guide license or hunting guide helper certification has

been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 5. Incorporation by Reference. (1) "Commercial Guide License Application Form", 2016 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (KFWR-G-71; 1 Ky.R. 64; eff. 11-13-1974; 35 Ky.R. 1000; 1451; eff. 1-5-2009; 42 Ky.R. 1602; 2058; eff. 2-5-2016; TAm. eff. 8-29-2016.)